

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ASHOK KUMAR,

Plaintiff,

-against-

UNDERCOVER N.Y.S. TAX AGENT JOSE SILVERIO,  
BADGE No. 171; UNDERCOVER N.Y.S. TAX AGENT  
LEONARD CHASTEN, BADGE No. 111; N.Y.S. TAX  
INVESTIGATOR, JOHN CONNOLLY; N.Y.S. TAX  
INVESTIGATOR, THOMAS FIDELE, SR., BADGE No.  
308; UNDERCOVER N.Y.S. TAX AGENT No. 106,  
WHOSE NAME AND BADGE NUMBER ARE  
PRESENTLY UNKNOWN,

Defendants.  
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: 07-CIV-8826 (FM)(LTS)  
: (Electronically Filed)  
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: **DEFENDANTS' INITIAL**  
: **DISCLOSURES**  
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Pursuant to Rule 26(a)(1) of the Federal Rules of Civil Procedure, defendants  
Leonard Chasten, John Connolly and Thomas Fedele, Sr. ("Defendants"), by their undersigned  
attorney, hereby provide the following initial disclosures.

**GENERAL STATEMENT**

The disclosures set forth herein constitute the best information presently available  
to Defendants. Defendants have not completed their investigation and/or discovery of the facts  
underlying this matter or completed their preparation of this matter for trial. Accordingly,  
Defendants reserve the right to amend, supplement, or change these disclosures if and when  
additional, supplemental, or more accurate information becomes available. Defendants also  
reserve the right to object to the future disclosure of any such information and/or documents.

By providing the disclosures set forth herein, Defendants do not concede the  
materiality of the subjects to which they refer. These disclosures are made expressly subject to,

and without waiving or intending to waive, any questions or objections as to the competence, relevance, materiality, privilege, or admissibility as evidence or for any other purpose, of any of the documents or information produced, or of the subject matter thereof, in any proceeding, including the trial of this action or any subsequent proceeding.

The inadvertent disclosure of any information and/or document that is protected by the attorney-client privilege, the work product doctrine, or is otherwise immune from discovery, shall not constitute a waiver of any privilege, immunity, or other basis for objecting to discovery with respect to that information and/or document, or its subject matter, or of Defendants' right to object to the use of any such document and/or the information contained therein during any proceeding in this litigation or otherwise.

### **RULE 26 DISCLOSURES**

#### **RULE 26(a)(1)(A) DISCLOSURE REQUEST:**

[T]he name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

#### **RESPONSE TO RULE 26(a)(1)(A) DISCLOSURE REQUEST:**

Defendants state that the individuals identified below may possess information relevant to the claims and defenses asserted in this matter:

1. Ashok Kumar  
c/o Edward Friedman, Esq.  
26 Court Street, Suite 1903  
Brooklyn, NY 11242  
(718) 852-8849

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto, plaintiff's arrest and the subsequent dismissal of the charges against him and plaintiff's alleged damages.

2. Jose Silverio  
1761 Watson Ave - Apt. 2  
Bronx, N.Y. 10472

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

3. Fanny Almanzar  
New York State Department of Taxation and Finance  
Office of Tax Enforcement  
1740 Broadway  
New York, NY 10019  
(800) 225-5829

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

4. Thomas Stanton  
New York State Department of Taxation and Finance  
Office of Tax Enforcement  
1740 Broadway  
New York, NY 10019  
(800) 225-5829

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

5. Byron Mars  
New York State Department of Taxation and Finance  
Office of Tax Enforcement  
1740 Broadway  
New York, NY 10019  
(800) 225-5829

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

6. Paul Rossi  
New York State Department of Taxation and Finance  
Office of Tax Enforcement  
1740 Broadway  
New York, NY 10019

(800) 225-5829

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

7. Jeanette Sbordone  
Kings County District Attorney's Office  
350 Jay St. Brooklyn, NY 11201  
(718) 250-2000

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

8. Robert Renzulli  
Kings County District Attorney's Office  
350 Jay St. Brooklyn, NY 11201  
(718) 250-2000

Subject(s) of information: The sale of untaxed cigars to plaintiff and investigation related thereto.

9. Nicole Gamble  
Assistant District Attorney  
Westchester County District Attorney's Office  
111 Dr. Martin Luther King, Jr. Blvd.  
White Plains, New York 10601  
(914) 995-7774

Subject(s) of information: Plaintiff's arrest and the subsequent dismissal of the charges against him and the seizure of property.

10. Confidential Informant  
(Information to be provided under seal and pursuant to a confidentiality agreement)

Subject(s) of information: The sale of untaxed cigars to plaintiff and others and investigation related thereto.

**RULE 26(a)(1)(B) DISCLOSURE REQUEST:**

[A] copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and that the disclosing party may use to support its claims or defenses, unless solely for impeachment.

**RESPONSE TO RULE 26(a)(1)(B) DISCLOSURE REQUEST:**

Defendants state that the following documents may contain information relevant to the claims and defenses asserted in this matter:

1. Defendants' investigation files.

**RULE 26(a)(1)(C) DISCLOSURE REQUEST:**

[A] computation of any category of damages claimed by the disclosing party, making available for inspection and copying as under Rule 34 the documents or other evidentiary material, not privileged or protected from disclosure, on which such computation is based, including materials bearing on the nature and extent of injuries suffered.

**RESPONSE TO RULE 26(a)(1)(C) DISCLOSURE REQUEST:**

This request is not applicable to Defendants.

**RULE 26(a)(1)(D) DISCLOSURE REQUEST:**

[F]or inspection and copying as under Rule 34 any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment.

**RESPONSE TO RULE 26(a)(1)(D) DISCLOSURE REQUEST:**

This request is not applicable in this action.

Dated: New York, NY  
March 28, 2008

ANDREW M. CUOMO  
Attorney General of the State of New York  
Attorney for Defendant  
By:

/s/ Hilary R. Kastleman  
HILARY R. KASTLEMAN (HK-3607)  
Assistant Attorney General  
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